UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

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) Civ. No. 3:08-cv-432
) (PHILLIPS/GUYTON)
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ORDER OF REMAND UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g)

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S. Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S. Ct. 2157, 2163 (1991).

Upon receipt of the Court's order, the Appeals Council will remand the matter to an Administrative Law Judge (ALJ) with instructions to re-evaluate Plaintiff's residual functional capacity and, if necessary, obtain additional testimony from a vocational expert concerning any possible jobs that Plaintiff could perform based on the revised residual functional capacity assessment. Additionally, the ALJ will verify that any consultative evaluation report relied upon

includes a proper signature. The ALJ will issue a new decision, following consideration of all the evidence.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal

Rules of Civil Procedure.

Thomas H. Millips
U. S. District Judge

Proposed by:

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